U.S. Department of Labor

Benefits Review Board 200 Constitution Ave. NW Washington, DC 20210-0001



BRB No. 19-0414 Case No. 2018-LHC-00022 OWCP No. 05-304561

FRANK N. LACANFORA)
Claimant-Respondent)))
v.)
) DATE ISSUED: 08/13/2019
CERES MARINE TERMINALS,)
INCORPORATED)
)
Self-Insured)
Employer-Petitioner) ORDER

By letter filed July 17, 2019, employer notified the Board that it has filed a Section 22, 33 U.S.C. §922, motion for modification which is pending with the administrative law judge. Section 802.301(c), 20 C.F.R. §802.301(c), states that if a party has filed a motion for modification, the Board shall, upon notification of such filing, dismiss the case without prejudice. We thus dismiss employer's appeal without prejudice and remand this case to the Office of Administrative Law Judges for modification proceedings.

Employer's appeal will be reinstated by the Board only if employer requests reinstatement. The request for reinstatement must be filed with the Board within 30 days from the date the decision on modification is filed, 20 C.F.R. §802.301(c), and it must be identified by the Board's docket number assigned to this case, BRB No. 19-0414. The request for reinstatement must be served on all parties. If reinstatement is requested, the Board will consider only the issues raised in the petitioner's appeal of the original decisions.

Any party who is aggrieved by the administrative law judge's decision on modification may file a notice of appeal thereof within 30 days of the date the decision on modification is filed. 33 U.S.C. §921(a); 20 C.F.R. §802.205. This appeal will be assigned a new docket number and will be consolidated with any reinstated appeal of the original decisions.

Accordingly, employer's appeal is dismissed without prejudice and the case is remanded to the Office of Administrative Law Judges for modification proceedings.

SO ORDERED.

JUDITH S. BOGGS, Chief Administrative Appeals Judge

GREG J. BUZZARD Administrative Appeals Judge

JONATHAN ROLFE Administrative Appeals Judge